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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,600	12/07/2005	John Gerard Cronin	P70562US0	9461
136	7590	07/18/2006	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			MARCANTONI, PAUL D	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/532,600

Applicant(s)

CRONIN, JOHN GERARD

Examiner

Paul Marcantoni

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 7338465 (as described in 10/532,599 to Cronin), GB 1,425,108 (X reference from International Search Report), De La Concha Estrada (US 2003/0122283 A1 or US 2002/0096796 A1), or Jenkins '331 alone or in view of Flender '775.

All of the primary references teach separation and treatment of household waste/garbage/refuse, treating with an alkaline substance, and ultimately mixing the household waste with cement to form a concrete mixture. Although the prior art does not teach the exact amounts, overlapping amounts would have been prima facie obvious to one of ordinary skill in the art. Further, even if not overlapping, Changes in temperature, concentrations, or other process conditions of an old process does not impart patentability unless the recited ranges are critical, i.e., they produce a new and unexpected result. In re Aller, (CCPA 1955(220 F2d 454, 105 USPQ 233. It is the examiner's position that no new or unexpected result occurs in applicants process because they do produce a concrete comprising household waste just like the prior art stated above.

FR '465 teaches making construction elements by treating household waste with quicklime (alkaline material/solution) which would lead to a pH above 11.5 followed by adding aggregate and cement to form concrete construction material.

GB 1425108 teaches treating waste material with an alkaline substance such as slaked lime (same as calcium hydroxide-see col.2, first page, lines 75-80). GB 108 further teaches adding a bonding/binding agent such as epoxides, etc. (page 2, col.2, lines 45-50).

De La Concha Estrada '283 A1 or '796 A1 teach separation of household garbage/trash/waste/refuse and mixing the non-recyclable portion to be ground and then adding to cement to form a concrete (see claims).

Jenkins '331 teach recycling household waste adding calcium carbonate and Portland cement (see claims).

Flender '775 teaches that would have been an obvious design choice for one of ordinary skill in the art to separate the different types of household waste into like components (ie metal, paper, glass, food waste, etc.) and the use of magnetic separation and other known separation techniques is old and known in the art and would have been an obvious design choice for all primary references above to break down the household waste into like components.

Claims 40-78 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

The terms "predetermined in claims 40 57, 65, and any other claim it is used is indefinite.

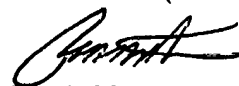
Claim 40 would appear indefinite with respect to step f) because applicants do not particularly point out and distinctly claim how they remove any gases from ^{mixing} ~~ixing~~ the

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alkali and household waste. Would they not simply be vented out into the air or atmosphere and removed in that manner after mixing?

The applicants may wish to change the word "region" to "range"—in claim 55 with respect to pH.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Marcantoni whose telephone number is 571-272-1373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Marcantoni
Primary Examiner
Art Unit 1755